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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, ) No. CR 06-0433 VRW  
14 Plaintiff, )  
15 v. )  
16 GERARDO ALAMILLA BARCENAS, )  
aka Gerardo Alamilla, )  
17 Defendant. )  
18 \_\_\_\_\_)

[PROPOSED] ORDER AND  
STIPULATION EXCLUDING TIME  
UNDER THE SPEEDY TRIAL ACT

19 The parties stipulate and agree, and the Court finds and holds, as follows:

20 1. The parties appeared on the instant matter June 20, 2006 for initial appearance before  
21 the Honorable Vaughn R. Walker. On June 20, 2006, the matter was continued to August 15,  
22 2006 for status / trial setting. On August 15, 2006, the matter was again continued to September  
23 12, 2006 for possible change of plea.

24 2. On August 15, 2006, Assistant Public Defender Elizabeth Falk, who represents the  
25 defendant, requested an exclusion of time from August 15, 2006 to September 12, 2006, based  
26 on effective preparation and continuity of counsel. The defendant agreed to an exclusion of time  
27 under the Speedy Trial Act. The parties agree that the time from August 15, 2006 to September  
28 12, 2006 should be excluded from the calculation of time under the Speedy Trial Act. See 18

U.S.C. § 3161(h)(8)(A) and (B)(iv).

3. In light of the foregoing facts, the failure to grant the requested exclusion would unreasonably deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See id. The ends of justice would be served by the Court excluding the proposed time period. These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

4. For the reasons stated, the time period from August 15, 2006 to September 12, 2006 is excluded from the calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A).

## IT IS SO STIPULATED.

DATED: August 15, 2006

Respectfully Submitted,

DATED: August 15, 2006

/S/  
**ELIZABETH FALK**  
Counsel for Gerardo Alamilla Barcenas

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: August 18, 2006

HONORABLE VAUGHN R. WALKER  
United States District Judge